

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

Court Minutes and Order

HEARING DATE: May 28, 2024
JUDGE: Brett H. Ludwig
CASE NO.: 23-mc-0051
CASE NAME: In re Mary Fanning
MATTER: Motion Hearing
APPEARANCES: William F. Mohrman, Attorney for Mary Fanning
Patrick S. Nolan, Julie M. Loftus, Timothy M. Frey, Attorneys for
Plaintiffs
Christopher Ivan Kachouroff, Attorney for Defendants

TIME: 2:01 p.m. – 2:38 p.m.
COURTROOM DEPUTY: Julie D.

AUDIO OF THIS HEARING IS AT ECF NO. 34

The Court summarized the miscellaneous case's procedural history and the parties' positions on Defendants' pending Motion to Split Deposition Time. (ECF No. 29.) Counsel for Smartmatic argued that because the case is so complicated and so many of Mary Fanning's statements are at issue, Plaintiffs need a full seven hours to adequately take her deposition. Defense counsel countered that Fanning had fewer statements in question than Smartmatic believes. He also agreed to work with counsel and yield his remaining time back to Smartmatic should he find himself with excess time. Counsel for Fanning stated that she would not assert the underlying case's discovery deadline of June 11, 2024 as an obstacle to a continued deposition, if it became necessary.

After hearing argument, the Court expressed skepticism that the deposition required more than seven hours. The Court ordered the parties to split the deposition time with Plaintiffs having 4.5 hours and Defendants having the remaining 2.5 hours, exclusive of lunch and other breaks. The Court concluded that counsel should be able to accomplish their examinations within this time and would only entertain a request for additional time if the requesting party showed it had made efficient use of its allotted time. The Court also emphasized its expectation that counsel be respectful and act in good faith. If the deposition record indicates anyone has acted contrary to the efficient completion of the deposition—or seeks additional time when they were not as efficient as they could have been—the Court will consider imposing sanctions.

Accordingly,

IT IS HEREBY ORDERED that Defendants' Motion to Split Deposition Time, ECF No. 29, is **GRANTED IN PART**. Smartmatic shall have 4.5 hours to depose Mary Fanning. Defendants shall have 2.5 hours to depose Mary Fanning. These time limits are exclusive of lunch and breaks.

Dated at Milwaukee, Wisconsin on May 29, 2024.

s/ Brett H. Ludwig

BRETT H. LUDWIG

United States District Judge